THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23782 of 2006

Dated: 15-11-2006

Between:

Bommagani Sailu.

..... PETITIONER

AND

The District Collector, Nalgonda, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23782 of 2006

ORDER:

The petitioner filed a suit, being O.S.No.111 of 1998 on the file of the Court of the Junior Civil Judge, Ramannapet, for declaration of title and for permanent injunction. He claimed that he is the owner of the land admeasuring Acs.3.34 guntas in survey No.108/EE situated at Singarampatti Veldevi Village, Hamlet of Laxmidevikalva, Mothkur Mandal in Nalgonda District. It appears that respondent No.4, who is defendant No.1 in the said suit, filed an application before respondent No.2 for a direction to give police protection. After dismissal of the suit, the petitioner filed an appeal before the Court of the Senior Civil Judge, Bhongir. Along with the said appeal, being A.S.No.10 of 2006, he also filed I.A.No.620 of 2006 for *ad interim* injunction alleging that he alone is in possession of the land even after dismissal of the suit. The said I.A. is still pending. The petitioner also filed C.R.P.(SR).No.30259 of 2006 aggrieved by the non-consideration of I.A.No.620 of 2006 by the appellate Court and this Court in C.R.P.M.P.No.7480 of 2006 statedly granted orders of *status quo*.

Be that as it is, respondent No.2 appears to have endorsed on the application made by respondent No.4 directing the Mandal Revenue Officer(MRO), Mothkur, respondent No.3 herein, to handover possession to respondent No.4. Accordingly respondent No.3 conducted panchanama and handed over possession on 06-10-2006 duly issuing a certificate bearing No.B/5655/2006 to the effect that possession has been handed over to respondent No.4. In this writ petition, the petitioner assails the action of respondent No.3 in delivering possession to respondent No.4.

The learned counsel for the petitioner vehemently contends that when the appeal filed by the petitioner against O.S.No.111 of 1998 is pending before the appellate Court, the endorsement made by the Sub-Divisional Executive Magistrate & Revenue Divisional Officer, respondent No.2 herein, to hand over possession to respondent No.4 is illegal and contrary to law. He also submits that through out the pendency of the suit, the petitioner was in possession of the land and by reason of the *status quo* orders passed by this Court in C.R.P.M.P.No.7480 of 2006, he still continues to be in possession and therefore, the endorsement order passed by respondent No.2 and the certificate issued by respondent No.4 are contrary to the orders of this Court.

After giving due consideration to the facts of the case, this Court is of the considered opinion that this writ petition is wholly misconceived. The petitioner has already approached civil Court and is pursuing the

remedy in the appellate Court having failed in the trial Court. In such a case, his remedy lies to seek appropriate redressal to protect his possession; assuming he is in possession – from the Court of the Senior Civil Judge, Bhongir, where A.S.No.10 of 2006 is pending. If the petitioner is in possession of the land by reason of the injunction order granted by the civil Court or *status quo* order by this Court, it is always open to him to approach respondent No.3, who is bound to take into consideration the orders passed by the civil Court.

This writ petition is misconceived and is accordingly dismissed. No costs.

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V.V.S.RAO, J

15th November, 2006
ghn